



U.S. Department of Justice

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October 18, 2017

The Honorable James Donato
United States District Judge
Courtroom 11, 19th Floor
United States Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102

Re: IN RE CAPACITORS ANTITRUST LITIGATION, No. 3:14-cv-03264-JD

Dear Judge Donato:

The Court, on October 11, asked the United States to respond to the plaintiffs' request for a second deposition of Satoshi Okubo at the Lompoc penitentiary, where Okubo is currently serving a prison term. (Dkt. No. 1889.) The United States is an intervenor in this civil action. (Dkt. Nos., 240, 309.)

Today, a grand jury in this District returned an indictment charging Nippon Chemi-Con Corporation with participating in a conspiracy to fix the prices of electrolytic capacitors in violation of 15 U.S.C. § 1, the same conduct that is alleged in the complaints in the civil action. *United States v. Nippon Chemi-Con Corp.*, No. 3:17-cr-00540-MMC. The case is currently assigned to Judge Chesney, but the United States will file a motion to relate the case to this Court.

Okubo, and other potential deponents in the civil litigation, are likely witnesses in the parallel criminal trial against Nippon Chemi-Con. A partial stay of discovery as to criminal trial witnesses is necessary to protect the integrity of the criminal proceedings. Accordingly, the government intends to seek a stay of depositions as to certain witnesses, including Okubo, until after the conclusion of the criminal trial against Nippon Chemi-Con.

As required by the Court's standing order and the local rules, before filing any motions with the Court, the government will confer with the parties to the civil litigation to try to reach agreement on the scope of the partial stay.

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If the Court wishes, the United States can further describe, *ex parte* and under seal, the information that Mr. Okubo has and its relevance to the criminal trial.

Sincerely,

/s/

Mikal J. Condon
Trial Attorney
DOJ Antitrust Division